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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

In re JDS UNIPHASE CORPORATION
SECURITIES LITIGATION

This Document Relates To: All Actions

Master File No. C-02-1486 CW (EDL)

**JDSU DEFENDANTS' PROPOSED
GENERAL VERDICT FORM AND
SPECIAL INTERROGATORIES**

Trial Date: October 22, 2007
Pre-trial Conference: October 9, 2007
Time: 2:00 p.m.
Crm: 2, 4th Floor
Before: Hon. Claudia Wilken

Pursuant to the Court's Order for Pretrial Preparation, the JDSU Defendants submit the following proposed verdict form.

Verdict Form

Part 1 — Section 10(b) and Section 20(a) Claims

1. Do you find by a preponderance of the evidence that one or more of the challenged statements in JDSU's SEC filings, conference calls, or press releases (listed below) contained an untrue statement of fact, or omitted a fact necessary under the circumstances to keep the statement that was made from being misleading?

[add table listing date and title of challenged statements]

YES _____

NO _____

If you answered "YES," please proceed to Question No. 2. If you answered "NO," please sign and date this form and return it to the bailiff.

2. Please identify the date and specific language of each statement that all of you find, by a preponderance of the evidence, contained an untrue statement of a material fact, or omitted a material fact.

3. Separately for each statement you identified in response to Question No. 2, state (by writing “YES” or “NO” next to each statement) whether all of you find by a preponderance of the evidence that the misstatement or omission was material.

If you answered “YES” with respect to any statement, please proceed to Question No. 4. Otherwise, please sign and date this form and return it to the bailiff.

4. Separately for each non-forward-looking statement you identified in response to Question No. 3, state (by writing “YES” or “NO” next to each statement) whether all of you find,

1 by a preponderance of the evidence, that the author or speaker made the misstatement or
2 omission with scienter. If the statement is a forward-looking statement, state (by writing
3 "YES" or "NO" next to the statement) whether you find that the speaker or author had
actual knowledge that the statement was false.

4 _____
5 _____
6 _____
7 _____

8 **If you answered "YES" with respect to any statement, please proceed to Question
No. 5. Otherwise, please proceed to Part 2, Question No. ____.**

- 9 5. Separately for each forward-looking statement to which you stated "YES" in response to
10 Question No. 3, state (by writing "YES" or "NO" next to each statement) whether all of
11 you find that the statement was accompanied by meaningful cautionary statements.

12 _____
13 _____
14 _____
15 _____

16 **Please proceed to the next question.**

- 17 6. Separately for each statement to which you responded "YES" in response to Question
18 Nos. 4 and 5, state (by writing "YES" or "NO" next to each statement) whether all of you
19 find that the untrue statement of material fact, or the omitted material fact, played a
substantial part in causing a loss to the plaintiffs.

20 _____
21 _____
22 _____
23 _____

24 **If you answered "YES" with respect to any statement, please proceed to Question
No. 7. Otherwise, please proceed to Part 2, Question No. ____.**

- 25 7. Separately for each statement that you find damaged the plaintiffs, identify any individual
26 defendant that all of you find was, at the time of the statement, a "controlling person"
under Section 20(a).

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4 **If you identified one or more defendants, please proceed to Question No. 8.**
Otherwise, please proceed to Part 2, Question No. ____.

- 5 8. Separately for each individual defendant you identified as a “controlling person” in
6 response to Question No. 8, state whether all of you find that the defendant acted in good
7 faith.

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12 **Please proceed to Part 2, Question No. ____.**

13 **Part 2 — Section 14(a) and Section 20(a) Claims**

- 14 9. In response to Question No. 3, did you identify as a misstatement the amount of goodwill
15 recorded by JDSU, as stated in the November 17, 2000 SDL Amended Registration
Statement and Amended Proxy-Prospectus or a document incorporated therein?

16 YES _____

17 NO _____

18 **If you answered “YES,” please proceed to Question No. ____ [next question]. If you
19 answered “NO,” please proceed to Part 5, Question No. ____.**

- 20 10. Do all of you find by a preponderance of the evidence that the author of the statement
21 concerning the amount of goodwill failed to use ordinary or reasonable care with respect
to whether the statement was untrue or omitted a material fact.

22 YES _____

23 NO _____

24 **If you answered “YES,” please proceed to Question No. ____ [next question]. If you
25 answered “NO,” please proceed to Part 3, Question No. ____.**

- 26 11. Do all of you find by a preponderance of the evidence that the plaintiffs were damaged as
a result of the statement of the amount of goodwill?

27 YES _____

NO _____

If you answered “YES,” please proceed to Question No. __[next question]. Otherwise, please proceed to Part 3, Question No. __.

12. Identify any individual defendant that all of you find was, at the time of the statement, a "controlling person" under Section 20(a).

If you identified one or more defendants, please proceed to Question No. ____ [next question]. Otherwise, please proceed to Part 3, Question No. ____.

13. Separately for each individual defendant you identified as a “controlling person” in response to Question No. ___, state whether all of you find that the defendant acted in good faith.

Please proceed to Part 3, Question No. ____.

Part 3 — Section 11, Section 12(a), and Section 15 Claims

14. In response to Question No. 3, did you identify as a misstatement the amount of goodwill recorded by JDSU, as stated in the November 17, 2000 SDL Amended Registration Statement and Amended Proxy-Prospectus or a document incorporated therein?

YES

NO

If you answered “YES,” please proceed to Question No. __[next question]. If you answered “NO,” please proceed to Part 4, Question No. __.

15. Do all of you find by a preponderance of the evidence that the plaintiffs were damaged as a result of the statement of the amount of goodwill?

YES

NO _____

If you answered “YES,” please proceed to Question No. __[next question]. Otherwise, please proceed to Part 4, Question No. __.

16. Do all of you find that one or more of the individual defendants acted with due diligence (*i.e.*, acted with reasonable diligence and had reasonable ground to believe, and did believe, that the statement of the amount of goodwill was true and that there was no omission making the statement materially misleading)?

YES _____

NO _____

If you answered “YES,” please proceed to Question No. __[next question]. If you answered “NO,” please proceed to Part 4, Question No. __.

17. Identify the names of the individual defendants that all of you find acted with due diligence.

18. Do all of you find that JDSU acted with reasonable care (*i.e.*, that JDSU did not know, and in the exercise of reasonable care, could not have known of the material misstatement or omission you have found with respect to the statement of the amount of goodwill)?

YES

NO

Please proceed to the next question.

19. Identify any individual defendant that all of you find was, at the time of the statement, a “controlling person” under Section 15.

If you identified one or more defendants, please proceed to Question No. ____ [next question]. Otherwise, please proceed to Part 4, Question No. ____.

20. Separately for each individual defendant you identified as a "controlling person" in response to Question No. ___, state whether all of you find that the defendant had no

knowledge of or reasonable grounds to believe in the existence of the facts that were misstated or omitted, resulting in the violation of Section 11.

Please proceed to Part 4, Question No. ____.

Part 4 — Section 20A Claim

21. Do all of you find by a preponderance of the evidence that any of the individual defendants violated Section 10(b)?

YES ____

NO ____

If you answered “YES,” please proceed to Question No. ____ [next question]. If you answered “NO,” please proceed to Part 5, Question No. ____.

22. Do all of you find by a preponderance of the evidence that any of the individual defendants sold JDSU stock while the defendant had actual knowledge of information that was not publicly available?

YES ____

NO ____

If you answered “YES,” please proceed to Question No. ____ [next question]. If you answered “NO,” please proceed to Part 5, Question No. ____.

23. Do all of you find by a preponderance of the evidence that any of the non-public information forming the basis of the “YES” response to Question No. ____ [previous question] was material (*i.e.*, that, based upon the facts that existed at the time, a reasonable investor would have found that the non-public information would have significantly altered the total mix of information that the investor took into account in deciding whether to buy or sell JDSU stock)?

YES ____

NO ____

If you answered “YES,” please proceed to Question No. ____ [next question]. If you answered “NO,” please proceed to Part 5, Question No. ____.

24. Identify (a) each defendant who sold JDSU stock while the defendant had actual knowledge of material non-public information and (b) the date that the defendant sold the stock.

25. For each defendant and each sale identified in response to Question No. __ [previous question], state (by writing “YES” or “NO” next to each sale) whether all of you find by a preponderance of the evidence that the defendant actually used the non-public information in selling JDSU stock.

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26. Do all of you find by a preponderance of the evidence that the plaintiffs have suffered damages as a result of any defendant's use of material non-public information in selling JDSU stock?

YES

NO

Please proceed to Part , Question No. .

Part 5 — Inflation Per Share

27. Please review your responses to Questions [7], [12], [16], and [27]. If you were not required to answer those questions, or if you answered all four of them "No," then you have now completed this form, and you should sign and date it and return it to the bailiff. If you answered yes to any of these questions, please answer the next question.

28. What is the amount of inflation per share, if any, that defendants are liable for during each day of the period April 25, 2000 through July 27, 2001?

_____ to _____ \$_____

_____ to _____ \$ _____

PLEASE SIGN AND DATE THIS FORM AND RETURN IT TO THE BAILIFF

Dated: _____

Signed: _____ (by Jury Foreperson)

Dated: September 24, 2007

MORRISON & FOERSTER LLP

By: _____ /s/ Jordan Eth
Jordan Eth

Attorneys for Defendants JDS Uniphase Corporation, Charles Abbe, Jozef Straus, and Anthony Muller